



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

m.f

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/534,178	03/24/2000	Hiroshi Utsunomiya	61049	1969

530 7590 09/19/2006

LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK
600 SOUTH AVENUE WEST
WESTFIELD, NJ 07090

EXAMINER

HOYE, MICHAEL W

ART UNIT PAPER NUMBER

2623

DATE MAILED: 09/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/534,178	UTSUNOMIYA ET AL.	
	Examiner	Art Unit	
	Michael W. Hoye	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 4-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 4-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 March 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicants' submission filed on May 25, 2006 has been entered.

Response to Arguments

2. Applicants' arguments, see remarks, filed on May 25, 2006 and entered on June 26, 2006, with respect to the rejection of claims 1, 2 and 4-17 under 35 U.S.C. 103(a) as being unpatentable over Goldschmidt Iki et al. (USPN 6,594,825), in view of Chernock et al. (USPN 6,314,569) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Goldschmidt Iki et al. (USPN 6,594,825), in view of Chernock et al. (USPN 6,314,569), in further view of Lownes et al. (USPN 6,137,539).

Regarding amended independent claims 1, 7 and 12, the Applicants argue on page 10 that, "Although Goldschmidt appears to briefly mention that "options" may overlay "the current video display", it appears that such options include all of the options that are available... On the other hand, in the system of claim 1, only the information pertaining to the video signal currently being displayed is shown."

In response to Applicants' arguments above, the Examiner has provided an additional reference, Lownes et al (USPN 6,137,539), which teaches that "only the information pertaining to the video signal currently being displayed is shown", as described in detail in the rejection below.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1,2 and 4-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goldschmidt Iki et al (USPN 6,594,825), in view of Chernock et al (USPN 6,314,569), in further view of Lownes et al. (USPN 6,137,539).

With respect to claims 1, 7, and 12, note the Goldschmidt Iki et al reference which discloses the claimed audio and/or video signal transmitting system with a plurality of audio and/or video signal transmitting apparatuses with a plurality of analog outputs and a plurality of digital input/output means is met as seen in Fig. 1. Although not explicitly shown, it is inherent that transmitters are provided to supply the satellite input 126 and other inputs 124, 128, 134. The transmitting apparatuses provide signals indicating signal format and outputting it to the receiver as seen in Fig. 4 via a received EPG indicating a transport medium / format at 404 and alternatively an audio format at 406. The system 100 contains various devices such as television display device 102, CD player 112, etc for receiving analog and digital data (col. 4:36-54)

Art Unit: 2623

forming a display signal for television 102. Video characteristics are stored including indicators of signal format from various inputs (Fig. 4, items 404, 406, see col. 7, line 40 – col. 8, line 7). Controller 200 (which includes controller 208) is operative as means to provide an overlay of these characteristics to facilitate user selection (col. 7:2-11). The Goldschmidt Iki et al. reference also clearly discloses that the type of the audio and/or video signal transmitting apparatus and the format type of the output video signal are indicated by predetermined characters as met by the EPG and program selection controller 208, which may display options in a separate box or window on the display device, overlaying (or superimposing) the current video display with the options, etc (col. 7, lines 2-11). In addition, in one implementation, all the characteristics for each version or source may be displayed, such as the predetermined characters including “ANALOG BROADCAST”, “DIGITAL CABLE”, “DVD”, “STEREO”, “DOLBY PRO LOGIC” and “THX; DOLBY AC3”, as shown in the EPG table of Fig. 4, which describe the type of audio and/or video source or signal transmitting apparatus (i.e. “DVD”) and the format type of the output video signal (i.e. “ANALOG” or “DIGITAL”) (see col. 6, line 66 – col. 7, line 11 and col. 7, line 29 – col. 8, line 3). The claimed, “...wherein the image signal is superimposed on the display video signal, so that the predetermined characters or logo are superimposed on a displayed image so as to be read by a user at the time the display video signal is displayed”, is met by the Goldschmidt Iki et al reference, as described above, where alternate versions may be provided to the user, since col. 7, lines 2-5 states that, “This provision can be in any of a wide variety of manners, such as ... overlaying the current video display with the options,” which meets the claimed, “the predetermined characters are superimposed on a displayed image so as to be read by a user at the time the display video signal is displayed.”

Art Unit: 2623

Although the Goldschmidt Iki et al reference does not explicitly disclose multiplexing the digital information signal onto a digital source signal, and separating out (or demultiplexing) the digital information signal from the digital audio and/or video signal and then processing that digital information signal to provide an superimposed image signal (or overlay) on the corresponding digital video signal that is being displayed, it is well known in the art of interactive video distribution systems that digital information signal(s) and digital source signal(s) are multiplexed onto a digital source signal for transmission to a receiver where the signals are demultiplexed and processed accordingly, as disclosed and taught by the Chernock et al reference in col. 4, lines 41-55. Therefore, it would have been obvious to one of ordinary skill in the art at the time on the invention to have combined the teachings of the Goldschmidt Iki et al reference with the Chernock et al reference for the advantage of combining or multiplexing a digital information signal onto a digital source signal in order to reduce bandwidth of the transmitted signal. One of ordinary skill in the art would have been led to make such a modification since digital multiplexing is well known in the art, especially through the use of the MPEG-2 standard for compression and multiplexing. In addition, Goldschmidt Iki et al does not explicitly disclose the claimed, “means for superimposing the image signal on the display video signal, so that when displayed the predetermined characters or logo are superimposed on a displayed image such that a user can view the type of the audio and/or video signal transmitting apparatus and the format type pertaining to **only** the display video signal currently being displayed at the time the display video signal is displayed.” However, the Lownes et al reference specifically teaches a status display which includes information on the current video or program being displayed, such as a digital television program, as well as indications of the format being used to display the received

Art Unit: 2623

signal (see Figs. 3A-3E and col. 8, lines 5-38). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have combined the teachings of the Goldschmidt Iki et al and Chernock et al references with the additional teachings of the Chernock et al reference for the advantage of providing a display in which only the information pertaining to the video signal currently being displayed is shown, which allows a user to view specific information that is only related to the currently selected audio and/or video transmission. One of ordinary skill in the art would have been led to make such a modification since it is well known in the art of computer monitors/receivers and/or television displays/receivers to provide an on screen display, such as an overlay or superimposed image, that relates to only the information pertaining to the video signal currently being displayed for the advantage given above.

With respect to claims 2, 8, and 13, the claimed use of a predetermined code in a comparison table is seen with the EPG shown in Fig. 4 as a table and including "codes" as indicators of a signal format such as "analog broadcast," "digital cable," "stereo," "Dolby pro logic," etc.

With respect to claims 4, 9-10, and 14-16, Goldschmidt Iki does not teach use of a predetermined bit map logo to indicate the format. However, the Chernock et al reference as previously combined with the Goldschmidt Iki et al reference above, further discloses that bitmaps may be used for many text and graphics objects, such as logos, that may be used for on-screen displays (OSD) or used as a graphics overlay with video content (see col. 5, lines 44-55). Therefore, it would have been obvious to one skilled in the art at the time of the invention to have further modified Goldschmidt Iki et al by using bit map logos in order to provide users

Art Unit: 2623

with a readily understood, aesthetically pleasing display that provides for easy program selection as taught by the Chernock et al reference.

With respect to claim 5, the claimed superimposing at the receiving side is met as noted above in response to claim 1. Furthermore, the claimed window synthesizing using a plurality of windows is met by overlaying characteristics and use of separate windows on a display (col. 7:2-11).

With respect to claims 6, 11, and 17, the claimed use of IEEE 1394 formats is met by use of an IEEE 1394 bus and standards as taught in col. 3:38-43.

With respect to claim 16, the claimed window synthesizing using a plurality of windows is met by overlaying characteristics and use of separate windows on a display (col. 7:2-11). Goldschmidt Iki does not teach superimposing for each signal the format at the transmitting side. However, the Lownes et al reference, as combined with Goldschmidt Iki above, clearly teaches this limitation as previously described above in claim 1.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael W. Hoyer whose telephone number is **571-272-7346**.

The examiner can normally be reached on Monday to Friday from 8:30 AM to 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller, can be reached at **571-272-7353**.

Any response to this action should be mailed to:

Art Unit: 2623

Please address mail to be delivered by the United States Postal Service (USPS) as follows:

Mail Stop _____
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Effective January 14, 2005, except correspondence for Maintenance Fee payments, Deposit Account Replenishments (see 1.25(c)(4)), and Licensing and Review (see 37 CFR 5.1(c) and 5.2(c)), please address correspondence to be delivered by other delivery services (Federal Express (Fed Ex), UPS, DHL, Laser, Action, Purolater, etc.) as follows:

United States Patent and Trademark Office
Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Some correspondence may be submitted electronically. See the Office's Internet Web site <http://www.uspto.gov> for additional information.

Or faxed to: 571-273-8300

Hand-delivered responses should be brought to the Customer Service Window at the address listed above.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to customer service whose telephone number is **571-272-2600**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

Art Unit: 2623

system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866-217-9197** (toll-free).

Michael W. Hoye
September 13, 2006



JOHN MILLER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600